



Attorney Docket No. 1454 1001/MJH

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

James E. McGowan, Jr.

Application No.: 09/826,420

Filed: April 5, 2001

For: MEDICAL ARTICLE STERILIZATION METHOD AND DEVICE

Group Art Unit: ~~To be assigned~~
Examiner: ~~To be assigned~~

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure provisions of 37 CFR §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the subject application.

1. Enclosures accompanying this Information Disclosure Statement are:

- 1a. ☒ Form PTO-1449.
- 1b. ☒ Copies of IDS citations. (If box not checked, see Item 6, below)
- 1c. ☐ An English language copy of search report(s) from a counterpart foreign application or a PCT International Search Report.
- 1d. ☐ English language translation (complete or relevant portion(s)) attached to each non-English language publication.
- 1e. ☐ Explanations of Relevancy of References (ATTACHMENT 1(e), hereto) for providing a concise explanation of each non-English publication.
- 1f. ☐ List of Copending Applications (ATTACHMENT 1(f), hereto).
- 1g. ☐ List of Additional Submitted Documents (ATTACHMENT 1(g), hereto).

2. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):

(Check either Item 2a or 2b)

- 2a. ☒ before the latter of three (3) months after the U.S. patent application filing date or before the first Office Action on the merits therein; or

2b. ☐ with the filing of a Request for Continued Examination (RCE) or Continued Prosecution Application (CPA) and before the first Office Action on the merits therein.

2c. ☐ during 3-month suspension requested concurrently with filing of CPA or RCE

2d. ☐ with responses to Notice of Missing Parts in relation to CPA filed _____.

Accordingly, no fee or § 1.97(e) Statement is required.

3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the first Office Action on the merits, but before a Final Office Action or a Notice of Allowance.

*(Check either Item 3a or 3b; Item 3b to be checked if
any reference known for more than 3 months)*

3a. ☐ The §1.97(e) Statement in Item 5 below is applicable. Accordingly, no fee is required.

3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:

☐ enclosed.

☐ to be charged to Deposit Account No. 19-3935.

4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the Final Office Action or the Notice of Allowance, but before payment of the Issue Fee.

The § 1.97(e) Statement (Item 5 below) is applicable.

The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(d) is:

☐ enclosed.

☐ to be charged to Deposit Account No. 19-3935.

5. ☐ Statement under § 1.97(e) *(applicable if Item 3a or Item 4 is checked)*

(Check either Item 5a or 5b)

5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is stated that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

5b. ☐ In accordance with 37 C.F.R. §1.97(e)(2), it is stated that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known by any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

6. ☐ This is a continuation/divisional/continuation-in-part application under 37 C.F.R. §1.53(b).

(Check appropriate Items 6a and/or 6b)

6a. ☐ Copies of the publications listed on the attached Form PTO-1449 which were previously cited in prior application Serial No. _____, filed on _____, of which this application claims priority under 35 U.S.C. §120, have been omitted pursuant to 37 C.F.R. §1.98(d).

- 6b. ☐ Copies of the publications listed on the attached Form PTO-1449 which were not previously cited in prior application Serial No. _____, filed on _____, of which this application claims priority under 35 U.S.C. §120, are provided herewith.
7. ☐ This is a continuation/divisional application under 37 C.F.R. §1.53(d).
(Check either Item 7a or 7b)
- 7a. ☐ The Issue Fee has not been paid.
- 7b. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is filed concurrently herewith or has been granted. A continuation application under 37 C.F.R. §1.53(d) after payment of the Issue Fee is proper in accordance with 37 C.F.R. §1.53(d)(1)(ii).
8. ☐ This is a Supplemental Information Disclosure Statement.
(Check either Item 8a or 8b)
- 8a. ☐ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on _____. A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental IDS can be considered as if properly filed on _____.
- 8b. ☐ This Supplemental Information Disclosure Statement is timely filed within one (1) month of the Notice under 37 C.F.R. §1.97(i), mailed _____. (MPEP 609, Form ¶ 6.51, July 1997.)
9. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
(Check appropriate Items 9a, 9b, 9c and/or 9d)
- 9a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office. (See U.S. Patent & Trademark Office's authorization in the Federal Register, Vol. 57, No. 12, January 17, 1992, at page 2031 (Reply to Comment 68).)
- 9b. ☐ set forth in the application.
- 9c. ☐ satisfied because an English language translation (complete or relevant portion(s)) is attached to each non-English language publication.
- 9d. ☐ enclosed as Attachment 1(e), hereto.
10. No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than search report(s) from a counterpart foreign application or a PCT International Search Report, if submitted herewith). 37 C.F.R. §§ 1.97(g) and (h).

11. The Commissioner is authorized to credit any overpayment or charge any additional fee required under 37 C.F.R. §1.17 for this Information Disclosure Statement and/or Petition to Deposit Account No. 19-3935.

Respectfully submitted,
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